

**EXISTING:**

**Chapter 56, BOATING**

§ 56-1. Prohibited operation of boats.

No person shall operate a motor propelled boat within the waterways of the limits of the Town of Fenwick Island, Delaware, in any of the following manners:

- A. In an unreasonable and reckless disregard for the safety of persons or property;
- B. At a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing;
- C. At **a speed greater than six (6) miles per hour in any lagoon or canal**, or to create a wake; or
- D. By failing to follow the rules for motor-propelled boats, as established by the U.S. Coast Guard and the Delaware State Marine Police.

§ 56-2. Personal watercraft.

- A. For the purpose of this section, the following definitions shall be applicable unless the context clearly indicates to the contrary:

**HEADWAY SPEED -- The minimum speed necessary to maintain steerage and control of a personal watercraft while such personal watercraft is moving.**

PERSONAL WATERCRAFT -- Any Class A inboard vessel [less than sixteen (16) feet in length] as defined by the United States Coast Guard which uses either an internal combustion engine powering a water jet-pump or a propeller as its primary source of propulsion and which is designed to be operated either by a person or persons sitting, standing or kneeling on the vessel **or by a water-skier via remote control, instead of in the conventional manner of vessel operation, such as riding in the vessel.**

- B. No person shall mark, designate or use a watercourse within a distance of one-fourth (1/4) mile of any beach, bank or bulkhead within the corporate limits of the Town of Fenwick Island for the purposes of defining and limiting operation of personal watercraft or any other power vessel.

- C. No person shall operate a personal watercraft within a distance of six hundred (600) feet of any beach, bank or bulkhead within the corporate limits of the Town of Fenwick Island, except under the following circumstances and conditions:

- (1) Traversing through to waters beyond the town's territorial limits; or**
- (2) Traveling to or from a home berth, or launching site within the town's limits; and**
- (3) During such transits, the personal watercraft shall not be operated at any speed greater than steerage speed.**

§ 56-3. Violations and penalties.

- A. Any boat operator found guilty of violating this chapter shall, upon conviction thereof, be subjected to a fine, **for the first offense, of not less than ten dollars (\$10.) nor more than twenty-five dollars (\$25.). For each subsequent like offense, he shall be fined not less than twenty-five dollars (\$25.) nor more than fifty dollars (\$50.).**
- B. Any person or other legal entity that is the owner of a personal watercraft or has charge or control over a personal watercraft shall be subject to the same penalty specified in Subsection A each time another person is directed and/or allowed to operate such watercraft in violation of any provision of this chapter.

**Proposed:**

**Chapter 56 - Boating**

§ 56-1. Definitions.

For the purpose of this section, the following definitions shall be applicable unless the context clearly indicates to the contrary:

**STEERAGE WAY -- The minimum speed necessary to maintain steerage and control of a personal watercraft while such personal watercraft is moving.**

PERSONAL WATERCRAFT -- Any Class A inboard vessel [less than sixteen (16) feet in length] as defined by the United States Coast Guard which uses either an internal combustion engine powering a water jet-pump or a propeller as its primary source of propulsion and which is designed to be operated either by a person or persons sitting, standing or kneeling on the vessel.

§ 56-2. Prohibited operation of boats.

- A. No person shall mark, designate or use a watercourse within a distance of **600 feet** of any beach, bank or bulkhead within the corporate limits of the Town of Fenwick Island for the purposes of defining and limiting operation of personal watercraft or any other power vessel.
- B. No person shall operate a motor propelled boat within the waterways of the limits of the Town of Fenwick Island, Delaware, in any of the following manners:
  - (1) In an unreasonable and reckless disregard for the safety of persons or property;
  - (2) At a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing;
  - (3) **At a speed greater than steerage way or that which creates a wake in any lagoon/canal;** or
  - (4) By failing to follow the rules for motor-propelled boats, as established by the U.S. Coast Guard and **Delaware state law governing 'Boating Laws and Responsibilities.**

§ 56-3. Violations and penalties

- A. Any boat operator found guilty of violating this chapter shall, upon conviction thereof, be subjected to a **fine of \$100 for each offense.**
- B. Any person or other legal entity that is the owner of a personal watercraft or has charge or control over a personal watercraft shall be subject to the same penalty specified in Subsection A each time another person is directed and/or allowed to operate such watercraft in violation of any provision of this chapter.